

From: John Hancock
To: [Dave DeGrandpre](#)
Cc: [Mirtha Becerra](#); [Jordan Hess](#); [Jeremy Keene](#); [Emily Gluckin](#)
Subject: Re: Mcnett Flats -
Date: Friday, March 5, 2021 8:51:20 AM
Attachments: [SGED PAVEMENT MARKING & SIGNING - 90% MULLAN BUILD.pdf](#)

Hello Dave,

We are in the final moments leading to the vote on the Mcnett subdivision. Since Mr. Keene passed the Tipperary Trail baton to you, I use this opportunity to try and get some unanswered questions off my list. The answers may also serve to enlighten city council on this issue.

I support the "concept" of The Tipperary Trail providing a bike/trail system that provides additional non-motorized vehicle pathway connecting George Elmer Drive with Flynn Lane, using a modified option discussed below.

A short time ago, Mr. Keene held a frank discussion with me about the George Elmer Corridor and memorialized the meeting in a memo. The Tipperary Trail is not part of the initial round of improvements funded with the initial \$13M grant money. A right-of-way (ROW) was not secured in the vicinity of Tipperary Way to move ahead with the trail in that location closer to Heron's Landing. That led to plan B, the Mcnett option.

What occurred is a rejection of a right of way (ROW) that currently does not permit the trail to connect from George Elmer to Flynn Ln. in the vicinity of Heron's Landing.

Yesterday, March 4, 2021, before you received this assignment I wrote to Mr. Keene a series of questions following up on our lengthy discussion about the area. You may not have received it. Here is a portion of it.

"You mentioned that the original alignment of the trail had not received a Right of Way (ROW) from the McKinnon Family. **Am I correct in understanding that this represents the sole hangup to the original plan and what was the main objection to their not agreeing to a ROW?**

As a result of being unable to secure the ROW how much additional linear feet of trail will be required to satisfy the original goal of having a bike/pedestrian trail completing its original mission to reach Flynn Lane?

Finally, when it come to building this trail **can you tell me for each \$1.00 spent what is the amount of the tax credit? My understanding it is not a dollar for dollar reduction."**

The objective of the first question was to determine if the city exhausted any and all efforts to put the trail where it was originally intended to maintain its namesake. Could a citizen petition to the owner(s) not granting the ROW thus blocking the extension plus continued negotiations with the city provide the desired outcome?

The objective of the remaining questions was to spend only what is absolutely necessary to spend to make the trail a reality without unnecessary loss of impact fees via the tax credit mechanism.

Yesterday's memo to Mr. Keene sought to finally determine George Elmer Dr. Parking between the sheets listed in the next paragraph. Originally, Mr. Keene used red lettering replying to questions that he did not readily have available answers.

Here is the wording of that:

What changes are proposed to existing George Elmer between Bell Tower and Pius?
Replies in italics for emphasis.

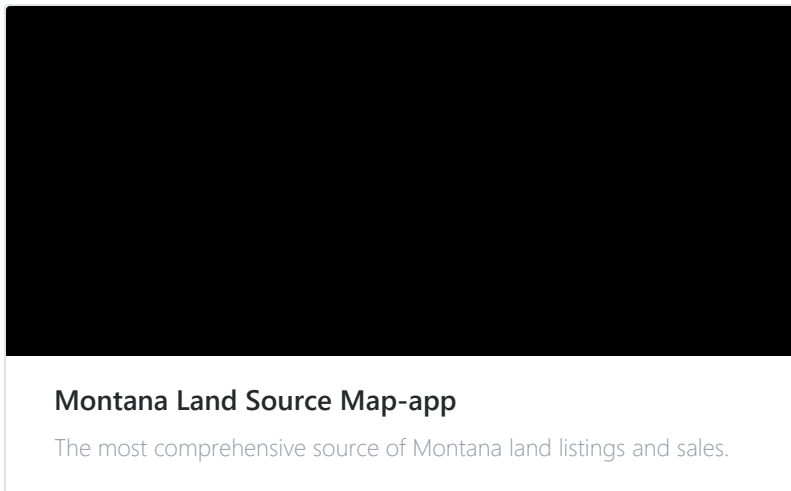
The BUILD Project intends to add striping and delineators for on-street bikeways. This will remove parking from the east side of the street (see plans attached). Bikes following the Tipperary Trail would have the option of using the sidewalk or on-street bikeway.

Diagram attached.

If parking on George Elmer Dr. adjacent to Flynn Ranch is eliminated, there is only **one** north-south street with permissible on street parking (one side of Old Ranch Rd). Pius Way parking also remains in limbo.

That brings us back to the Tipperary trail and the developer's role in building it. I have referred to this as potentially "The Trail to Nowhere." This link serves to show you what exists east of the Mcnett property. It takes a few seconds to load.

[Montana Land Source Map-app](#)



The important point here is there are no guarantees that the eventual buyers or subdividers would grant the necessary ROW to get the trail to its intended destination. Note: as shown in the diagram the property has been up for sale since July 2019.

Failure to get the ROW leaves the trail on the Mcnett side built but going nowhere. Should that occur much needed infrastructure revenue that recently passed by city council might go to waste due to the issuance of a tax credit.

If Mr. Hess or Mr. Miner are aware that the realtor of the property put in a provision requiring the buyer to grant a ROW or if the city itself intends to buy the land, my objection largely goes away. Owing to whatever has occurred over a lack of a ROW with the McKinnon family it would be highly regretable if the same situation rears its ugly head with the land east of Mcnett with the eventual buyer(s).

I think we can agree the lack of knowing what will appear on the seven parcels of Mcnett troubles both city council and local citizens. **It is appropriate for the city to adopt a wait and see on a go ahead for the trail portion of the project. This only temporarily excludes the trail itself. (Highlight for emphasis).**

In an earlier exchange between us you mentioned the Mcnett Homeowner Association would have certain funding responsibilities relative to trail maintenance . Withholding trail building approval gives the developer time to establish the "homeowner association" to establish reserves to fund its portion of maintenance and snow removal costs once the trail is built. If no HOA is formed maintenance costs are met via rental income.

Let the parties move ahead with determining the scope and cost of the trail. Determine the tax credit and let the ROW issue play out with the Dougherty Ranch sale east of Mcnett BEFORE authorizing construction of the trail.

The city is quite capable of developing Memos of Understanding and should strive to create one covering this situation. If it takes years for the ROW to resolve and there is a corresponding increase in trail building costs, then additional revenue to make up the difference is likely to occur and **should not** be imposed on the developer.

That additional time allows Missoula to learn more fully additional funding sources from federal grants, the state legislature, etc. over time. Making up a potential trail construction shortfall may be more manageable going forward in a post pandemic environment.

I certainly hope that the above ground open water source that feeds into Mcnett, that remains in use, has also been taken into account as it will prove to be an attractive playground for curious minds.

Again, I fully support the Tipperary Trail but not the current vision of building it now allowing it to become weathered awaiting the ROW issue to play out.

Sincerely,

John Hancock

On Thursday, March 4, 2021, 09:19:43 AM MST, Dave DeGrandpre <degrandpred@ci.missoula.mt.us> wrote:

Hi John,

Jeremy Keene asked that I contact you regarding the revised parks and trails proposal at Mcnett Flats.

The plan is still to build Tipperary Way Trail east from George Elmer along Pius Way to the eastern end of the subdivision, where it is planned to continue to the east in the future. I do not know the status of negotiations for obtaining right of way east of the Mcnett Flats property.

The Mcnett Flats developer is proposing to provide an easement and build a trail that would connect to the Tipperary Way Trail. On the Mcnett property it would extend from Remington Drive to the south property boundary, then east to and across George Elmer Drive. Please see the attached document. The proposed trail segment is not a BUILD project element and the developer would not be eligible for impact fee credits. The purpose is to provide off-street pedestrian and bicycle access and to provide a buffer for homes to the south in 44 Ranch and Flynn Ranch.

Dave DeGrandpre, Planning Supervisor

Community Planning, Development & Innovation

Development Services Division

406-529-0709 degrandpred@ci.missoula.mt.us

Messages and attachments sent to or from this e-mail account pertaining to City business may be considered public or private records depending on the message content. The City is often required by law to provide public records to individuals requesting them. The City is also required by law to protect private, confidential information. This message is intended for the use of the individual or entity named above. If you are not the intended recipient of this transmission, please notify the sender immediately, do not forward the message to anyone, and delete all copies. Thank you